

# Order

Michigan Supreme Court  
Lansing, Michigan

October 20, 2006

Clifford W. Taylor,  
Chief Justice

130244

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 130244  
COA: 265346  
Oakland CC: 2003-192859-FH

ANDREW JOSEPH CASCHERA,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the November 4, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the judgment of sentence and REMAND this case to the Oakland Circuit Court for resentencing. Under *People v Johnson*, 474 Mich 96 (2006), the trial court erred in its scoring of OV 11. Although the defendant entered a plea agreement pursuant to *People v Cobbs*, 443 Mich 276 (1993), to be sentenced at the bottom of the guidelines range, which was then believed to be 84 months, that was not the correct guidelines minimum in light of *Johnson, supra*. Because the defendant's sentence was based on an inaccurate calculation of the guidelines range, he is entitled to be resentenced. *Johnson*, 474 Mich at 103.

WEAVER and CORRIGAN, JJ., would deny leave to appeal.



s1017

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 20, 2006

*Corbin R. Davis*

Clerk